



# THE • OKA • QUESTION.

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Containing the Original Title, and a Brief Account  
of the Feudal System of Seigniorial Tenure in  
Canada, and its Abolition in 1854,

WITH A GENERAL REVIEW OF

THE OKA QUESTION IN PARTICULAR

—AND—

ROMAN AGRESSION IN GENERAL.

BY

NORMAN MURRAY,

*TITLES and Documents Relating to the Seigniorial Tenure in return to an address of the Legislative Assembly, 1851.*

QUEBEC.

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*Page 210, No. 177 The Seignior of Oka.*

Messrs of the Seminary of St. Sulpice, at  
Montreal,

PHILIPPE DE RIGAUD, &c.

MICHEL BEGON, &c.

On the petition presented to us by Messrs. the Ecclesiastics of the Seminary of St. Sulpice, established at Montreal by which they state, that it would be advantageous to the Mission of the Indians of the Sault Recollet in the Island of Montreal, which is under their care, that it should be immediately transferred above the said island and established in the lands which are situated on the north-west side of the Lake of Two Mountains, which said Mission would be advantageous not only for the conversion of the Indians, who being there more distant from the city would also be deprived of the opportunity of getting intoxicated, but also to the colony which by these means would be protected against the incursions of the Iroquois in times of war; praying us that we would grant them for the said Mission a tract of land, three leagues and a-half in front, to commence at the brook which runs into the great bay of the Lake of Two Mountains ascending along the said Lake and the River St. Lawrence, by three leagues in depth in fief and seigniority together with the right of superior, mean and inferior jurisdiction, (*haute moyenne et basse justice*) and the privilege of hunting and fishing as well within the limits of the said lands as on the said lake and the said river St. Lawrence, on condition that they shall as they offer to do bear the whole expense of moving the mission, and, that they shall cause the church and fort to be built of stone on the place where the said mission shall be transferred, in consideration thereof, We in virtue of the power jointly entrusted to us by his Majesty have given, granted and conceded and by these presents do give,

grant and concede unto the said Sieurs Ecclesiastics of the Seminary of St. Sulpice established at Montreal, a tract of land of three leagues and a-half in front, to commence at the brook which runs into the great bay of the Lake of Two Mountains, ascending along the lake side and the River St. Lawrence by three leagues in depth, to have and to hold the same for ever unto the said Sieurs Ecclesiastics, their successors, and assigns, even should the said mission be taken away from there, in full property under the title of fief and seigniority with right of superior mean and inferior jurisdiction and the privilege of hunting and fishing as well within as opposite said concession on the said lake, and River St. Lawrence; on condition that they shall bear the whole expense necessary for removing the said mission, and also cause a church and fort to be built there of stone at their own cost, for the security of the Indians, according to the plans thereof, which shall immediately be exhibited to us by them, to be by us approved and that the said building shall be finished within the space of two years, subject also to the condition of fealty and homage (foi et hommage) which the said sieurs of the seminary, their successors and assigns, shall be held to perform, at the Castle of St. Louis, in Quebec, of which they shall hold under the customary duties and dues and agreeable to the custom of the Provostship and Viscounty of Paris, followed in this country, and that the appeals from the decision of the judge, who may be established at the said place, shall be before the judges of the royal jurisdiction of Montreal; that they shall keep and cause to be kept, house and home (feu et lieu) on the said concession; that they shall preserve the oak timber fit for ship-building, which may be found within the limits of the land which the said Sieurs of the Seminary shall have set aside for their principal manor house, and that they shall also stipulate the reserve of such oak timber within the extent of the principal concessions made or to be made to their tenants; which said oak timber His Majesty shall be free to take, as well as the said tract of land or any portion thereof, when required, without being held to pay any indemnity; also that they shall give notice to the King or to the Governor and Intendant of this country of the mines, ores and minerals, if any found within the limits of the said fief and have the necessary roadways and passages; that they shall concede the said lands under the simple title of a rent (redevance) of twenty sols and a capon (chapon) for each and every arpent in front, by forty arpents in depth, and six deniers of cens (sixpence of tax) and that there shall not be inserted in the said concession any sums of money or any other charge than that of the simple title of rent (redevance) according to the intentions of His Majesty by whom they shall

be held to have these presents confirmed within one year from this date, in default whereof the present concessions shall be null and void.

In testimony thereof we have signed these presents and caused the same to be sealed with our seals at arms and countersigned by our secretaries.

Done and given at Quebec, the seventeenth day of October, seventeen hundred and seventeen, (1717.)

(Signed) VAUDREUIL & BEGON,

And further down by command of my Lord DeLestage,  
And by command of my Lord Barrel.

NOTE—The above was ratified by the King in Paris, 27th April, 1718, and registered in the records of the Superior Council of Quebec, 2nd October, 1719, with this alteration, that the titles were made out in the name of the Seminary of St. Sulpice of Paris, instead of the Seminary of St. Sulpice of Montreal.

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*A Brief Account of the old Feudal system of  
Seigniorial Tenure in Canada.*

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Parkman, in his *Old Regime in Canada*, says, (page 244) "Canadian Feudalism was made a double purpose, one of which was simply and practically to supply agencies for distributing land among the settlers."

Page 245. The Seigneur was usually the vassal of the crown.

Page 251. The Royal Government continually intervened between censetaire (tenant) and Seigneur, on the principle that as His Majesty gave the land for nothing he can make what conditions he pleases, and change them when he pleases. The interventions were usually favorable to the censetaire.

Page 326. At the "Deliberations de la Sorbonne sur la Boissons," 8th March, 1675, after the case was referred to the Fathers of the Sorbonne, they, after solemn discussion, pronounced the selling of brandy to the Indians a mortal sin.

Dr. Withrow, in his history of Canada, page 121 gives the following description of Seigniorial Tenure in Canada. "The censetaires paid to the Seigneur a nominal rent, but they required also to pay a small annual tribute in kind, as a goose, a pair of fowls or the like, to labour for his benefit a certain number of days in the year; to get their corn ground at his mill, paying a fixed toll therefor; to give him also one fish in every eleven

caught, and in case of a sale of their lands, to pay him one-twelfth of the price received.

All the Seigniorial claims of Lower Canada were settled in 1854, with the exception of such as were held in trust by the Crown for the Indians, as well as the Seignior of the Seminary of St. Sulpice, or Oka, and one or two other such. See Act 1854, chapter iii. sec. 35.

The Act provided as follows: The sensetaires, or tenants, were to pay a certain amount to the Seignior in consideration of his being free from any further claims from his former Seignior. Besides this the Government spent over two million dollars in compensation to the Seigniors for their claims, and thus was the last vestige of Feudal Tenure swept out in Canada, with the exception, of the worst part of the whole business, that held by the ecclesiastics.

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### *Review of the Oka Question.*

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In the light of the above documents, let us again review the vexatious Oka question. There would be no trouble in settling the Oka question if the Seigniors were any others but a lot of crafty, deceitful priests, who will forge documents or do anything else to gain their own selfish ends.

The conditions required of the Indians were lighter than that generally required of other tenants. In this particular case there was no mention made of their being obliged to give any labour or anything else to the Seminary, but simply a small rental which, in the currency of the day amounted to 32c, and one rooster for every lot of forty acres. Allowing that a rooster would be worth 10c. at that time the whole rental would amount to 1 cent an acre. At the rate of 5 per cent, their interest in Oka, calculating upon the rate of rental that they can claim would be brought out for 25 cents an acre.

It was on this principle that the other seigniorial claims were settled.

What service have they done to this country that they should expect to get a present of Oka for pilgrimage purposes. The other Seigniors were settled by Act of Parliament, and that is also the best way to settle this one. It is outrageous to think that the poor Indians of Oka, who had been there for 173 years should be asked to leave now simply to please a lot of greedy, grabbing priests for the sake of their political influence. Possession is nine-tenths of the law, and that the Indians have got. It is ridiculous to think that the Indians or their friends should bring this matter into court. Let them bring it into court if



they wish. The very fact of the amount of rent being stipulated knocks the bottom out of the Seminary's claims to absolute proprietorship. A seignior and proprietor of property in general are two distinct classes of landholders. Any proprietor under ordinary circumstances can raise his rent when he pleases, and give a lease to suit himself. The seignior could only claim a certain amount and no more. To think that the Protestant Indians of Oka should be compelled to leave, to be replaced by French Roman Catholics, is simply monstrous, and when such ideas are encouraged not only by politicians but also by Protestant ministers, so-called, and a Professor in a Methodist Theological College, it is time for Protestants to begin to look around them and find out where they are. As for the *Gazette* its position is easily understood, and under the circumstances there is no fault to be found with it. It is simply a political mouthpiece for Sir John MacDonald's government, and is no more expected to give an honest opinion of its own than a member of the Church of Rome, who has given the keeping of his conscience to some one else. But people who used to look to the *Witness* thirty years ago, as the champion of Protestantism, expect it to stand by its colours in this matter. We hear a great deal about peace and quietness. I also believe in peace but it is peace with honour. There cannot be peace in the world as long as Rome is in the ascendancy; anywhere give her inch and she will take a mile. We hear people talk about other people's sincerity. Mahomet was sincere when he made converts by the sword. I could see more sincerity in Jesse James when he was robbing the trains and the banks of the United States than in men going round in black petticoats with a string of beads round their necks, and a sanctimonious look while they are passing you, which they can easily relax when they are not seen by any one.

One of my earliest recollections is the removal of a neighbouring village to America. In any old settlement, there are always a number who can manage to live someway or other from hand to mouth, but if you put them into a bush even if they have a little money and get plenty of land they are not capable of making a living out of it. How would Dr. Shaw like to see the people of Cote St. Antoine that are snug and comfortable as they are, moved into a new sphere of life they are not used to. The Indians have as much right to think for themselves as any one else; and if they should make up their minds to go to Muskoka I suppose no one would hinder them, but to send them there simply because the Seminary don't like to have Protestants near them is simply robbing honest people of their right, to please the Devil and his agents, the Sulpicians, I believe, as the old saying

is, in "giving the Devil his due," but I don't believe in giving him or his friends any special privileges just because they profess to be the very reverse of what their every day life prove them to be.

If it were any other foreign power, but the agents of the Vatican that were putting in such claims, there would be only one opinion about it. A stitch in time saves nine, and it is easier to keep the Devil out of the house than to put him out after he gets in. As it is now they are making quite a fat thing out of Oka, but they haven't got quite everything their own way yet. Let them close up the saloons at Oka, put up the Indian Church they pulled down, and if they will be satisfied with what they can claim, viz. a rental of a cent an acre, they may get it, but if they put in a claim for more than their due, they or their friends need not expect to get it just for the asking. They are like the horse leech that cannot be satisfied. What in the name of common sense do they intend to do with all they have now. It is well known that the Seminary of St. Sulpice of Montreal, is richer than the Bank of Montreal, and they are as greedy after a few acres of land occupied by a few poor innocent Indians, as if they were starving with hunger. They boast of the superiority of the butter manufactured at the Trappist Monastery, at Oka, and they use all their ingenuity to make other people believe that Oka is no good for farming, and that Gibson Reserve, in Muskoka, is flowing with milk and honey. Why don't they go there if it is so good. They have plenty of money, they can live on the interest of it for some time and whenever they get short of new objects of worship, there are plenty trees there that they can worship under. Then they want a quiet retired place for devotion, surely the woods of Muskoka should suit them. Themselves and the nuns can have a good time without anyone to disturb them. Then they will be under the fostering care of their friend Mr. Mowat, Mr. Mercier has enough to nurse the Jesuits just now and I am sure he would be only too glad to see someone else having a hand in the holy work of fostering these holy Devils incarnate. Some of my remarks may seem a little rough, but I am just as sincere in my convictions as anyone else can be. I can see no more similarity between Romanism and Christianity, than there is between a man and a monkey. I could never see anything in Popery, but a large syndicate for making money, by the meanest and most contemptible of all means, viz. trafficking in men's bodies and souls, under the cloak of Christianity, with the Pope as general manager. I am open to conviction if anyone can show me any error or mistake in the above and shall stand corrected.



*The Condition of the Seignior of Oka as compared with  
others Seigniories.*

One point worthy of special consideration is that the conditions required of the Seminary in this instance, as acknowledged by Mr. Baile, the superior of this Seminary, at the time of the commencement of the present dispute, were more onerous than that required of any of the other 220 Seigniories of Canada, while the conditions required of the Indians practically amounted to nothing. The censitaires on the other Seigniories, were to pay on an average about 2 cents an acre of rent, while the Indians of Oka, providing the Seminary fulfilled their conditions, were to pay only one cent an acre.

One of the conditions, viz.: the building of a stone fort, was never fulfilled. The other condition, viz.: removing the Indians from the liquor temptation, is now ignored by the Seminary as facts will prove, and again the Indians at present have no church: Therefore, under the circumstances; as a stone fort is not now required, if they put up instead a stone schoolhouse build a stone church for the Protestant Indians, and remove all intoxicating liquors from Oka, the friends of the Indians will then be willing to give them a rent of 1 cent an acre. Till then their claims will be disputed at every point; and if the matter will be brought before Parliament at Ottawa, as in all probability it will, they will be in danger of losing control, not only of that part of the Seignior which the Protestant Indians are situated, but also the whole Seignior. If space permitted I should like to refer to Mr. Tache's plan of commutation of the other Seigniories in 1854.

As to the contention of the Seminary, about their rights being confirmed after the Rebellion, it amounts only to this viz.: the titles were originally given in the name of the Seminary of St Sulpice of Paris, and on that ground it was claimed by the opponents of the Seminary, that they had no claim whatever. All that the act of 1841 did, was to confirm the rights originally given to the Seminary of St. Sulpice of Paris, to the Seminary of St. Sulpice established in Montreal, all of which I have admitted, without in any way infringing on the claims of the Indians viz.: That as the Seminary were only stewards for the Crown, and not proprietors in any other sense, that when their services were no longer required as stewards, they had no further claim on the Indians, and it is for the Government and them to arrange about that. But neither the Seminary nor the Government has the right to remove the Indians from Oka, unless they so desire themselves.

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